

### **REMARKS**

The Office Action of November 23, 2010, in view of the Advisory Action mailed March 16, 2011, has been reviewed and these remarks are responsive thereto. Claims 30-32 have been canceled in the present paper, and claims 2, 12, 13, 15, 16, 24, 27, and 28 were previously canceled, all without prejudice or disclaimer. No new matter has been added. Claims 1, 3-11, 14, 17-23, 25, 26, and 29 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

As a preliminary matter, the status of the claims provided herein is relative to the set of claims filed on September 30, 2010. The Advisory Action denied entry of the claim amendments filed on February 23, 2011.

#### **Rejections under 35 U.S.C. § 112**

Claims 30-32 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description and enablement requirements. Notwithstanding whether the section 112, first paragraph rejection is proper, claims 30-32 have been canceled in the present paper, thereby rendering the section 112 rejection moot.

#### **Rejections under 35 U.S.C. § 103**

Claims 1, 8-9, 14, 23, and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. publication no. 2002/0085540 to Hyvarinen et al. (“Hyvarinen”) in view of U.S. pat. no. 6,556,820 to Le et al. (“Le”), U.S. pat. no. 7,313,091 to Zuniga (“Zuniga”), and U.S. pat. no. 7,532,892 to Hoglund et al. (“Hoglund”). Claims 3-6 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyvarinen, Le, Zuniga, and Hoglund in further view of U.S. pat. no. 6,044,091 to Kim (“Kim”).<sup>1</sup> Claims 7 and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyvarinen, Le, Zuniga, Hoglund, and Kim, and in further view of U.S. pub. no. 2002/0160757 to Shavit et al. (“Shavit”). Claims 10-11 and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hyvarinen, Le, Zuniga,

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<sup>1</sup> In the section 103 rejection of claims 6 and 20 at page 12 of the Office Action, the Office cites “Fenton” and “Almgren,” yet the enumeration of documents used to reject claims 6 and 20 at page 11 of the Office Action fails to include either Fenton or Almgren. Again, clarification is requested in the next communication.

and Hoglund, and in further view of U.S. pat. no. 7,283,550 to Duncan et al. (“Duncan”). These rejections are traversed below.

Independent claim 1 recites, among other features, “a first set of telecommunication services to be substantially provided through the second telecommunication system, wherein the first set of telecommunication services comprises services of a conversational class, and a second set of telecommunication services to be provided through the first telecommunication system and the second telecommunication system . . . wherein the first telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services.”<sup>2</sup>

As discussed in the Amendment filed February 23, 2011, in rejecting claim 1, the Office Action at page 6 concedes that Hyvarinen fails to describe a first set of telecommunication services to be substantially provided through a second telecommunication system, a second set of telecommunication services to be provided through a first telecommunication system and the second telecommunication system, wherein the first telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services. The Office Action at page 7 provides the following analogies with respect to the above-noted features recited in claim 1:

<b>Claim 1 Feature</b>	<b>Office Action at page 7 analogizes to this entity/feature in Le</b>
first set of telecommunication services	image and data
second telecommunication system	3G
second set of telecommunication services	Voice
first telecommunication system	2G

Even assuming (without admitting) that the analogies between the claim 1 features and the entities/features of Le shown in the table above would have been proper, Le fails to describe that the first set of telecommunication services to be substantially provided through the second telecommunication system comprises services of a conversational class (wherein the first

<sup>2</sup> The amended features recited in claim 1 are similar to features previously recited in (amended) claim 6.

telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services) because, as indicated at page 7 of the Office Action, Le at col. 1, lines 39-45 and col. 10, lines 35-35 describes providing voice over both 2G and 3G.

The Advisory Action responds to the above remarks by contending that voice communication is a conversational class available in both networks, 2G and 3G, and that the above table should further include voice in connection with the first set of telecommunication services (i.e., first set of telecommunication services: image, data, and voice). This rationale mischaracterizes the language of claim 1. Specifically, the first set of telecommunication services is to be substantially provided through the second telecommunication system as recited in claim 1. The Office's construction (where voice communication is provided in both 2G and 3G networks) vitiates or eliminates the term "substantially" from the claim language. *See, e.g.*, MPEP 2143.03 (providing that all words in a claim must be considered in judging the patentability of that claim against the prior art). In other words, the Office's construction makes no distinction between the 2G and 3G networks in terms of the provisioning of voice communications.

Moreover, claim 1 recites that the first telecommunication system is not configured to satisfy the initial Quality of Service (QoS) levels of the first set of telecommunication services. As conceded in the Advisory Action, voice communication is a conversational class available in both 2G and 3G networks. Accordingly, as the voice communication is being provided in the 2G network (e.g., the alleged first telecommunication system), then the 2G network is configured to satisfy the QoS levels for the voice communication.

Notwithstanding whether a combination of Hyvarinen, Le, Zuniga, and Hoglund would have been proper, Zuniga and Hoglund fail to remedy the deficiencies of Hyvarinen and Le described above with respect to claim 1. Claim 1 is distinguishable from the applied art for at least the foregoing reasons.

Claims 14 and 29 recite features similar to those described above with respect to claim 1 and are distinguishable from the applied documents for at least reasons substantially similar to those discussed above.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims, as any of the additional documents (e.g., Kim, Shavit, and Duncan) fail to remedy the deficiencies of Hyvarinen, Le, Zuniga, and Hoglund discussed above (notwithstanding whether any of the combinations of documents would have been proper).

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
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